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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/760,211	01/21/2004	Kia Silverbrook	SMA08US	1336

24011 7590 12/16/2004

SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, 2041
AUSTRALIA

EXAMINER

RUTLEDGE, DELLA J

ART UNIT	PAPER NUMBER
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2851

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/760,211

Applicant(s)

SILVERBROOK ET AL.

Examiner

D. Rutledge

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-17 and 20-28 is/are rejected.
- 7) ☒ Claim(s) 12, 18 and 19 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

A) The Cross-Reference Data on page 1 and 2 must be supplied with the US Serial Numbers.

B) The British spelling in the specification, abstract and claims is objected to and must be corrected.

Appropriate correction is required.

Claim Numbering

2. The application has two claims labeled as claim 21 and 22, therefore, the claim on page 35 have been renumbered as Claims 23 – 28. Because of the numbering error in the Amendment, the applicant correct the dependency of the now numbered Claims 25 – 28 is these claims do not depend from now numbered Claims 23 and 24.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

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under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1 – 9, 11, 13 – 17, and 20 - 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook et al. (US 6,786,655) in view of Bobry (US 6,229,565), Silverbrook (US 6,362,868).

Cook et al. has the basic photofinishing apparatus having a digital processor 202; display 102; chemical development of the photographic film (col. 4, lines 25-41); scanning 118, 224 and ink jet printer (col. 8, lines 48+). The apparatus has the ability to accept a plurality of input means as disclosed in col. 6 to col. 7, line 18. There are also a plurality of output methods as discussed in col. 7, line 30 to column 9, line 31.

The details of the ink jet printer are not disclosed. The secondary references disclose a replaceable print media cartridge having media in roll form mounted on a tubular core and comprising a replaceable/refillable ink printer cartridge. The cartridge would couple with a feed means in order to control the feeding of the roll of paper. The print head may be a scanning print head or a paper width print head. The print head having the fluid ejection using nozzles and integrated circuit chip as claimed, see especially Silverbrook. The print head will have a width as claimed to print the most requested sizes of photographic images and would have circuitry as needed to print according to the size of the print head. The print head disclosed in at least the Silverbrook reference should be capable of the feed rate claimed. The secondary references disclose a slitter

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means for the media roll. One of ordinary skill in the art would be motivated to use the drier or dryer means to protect the images just printed by the ink jet printer.

6. Claim 10 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Cook et al. (US 6,786,655) in view of Bobry (US 6,229,565), Silverbrook (US 6,362,868) as applied to claim 1, and further in of Baum et al. (US 6,583,852) or Ikeda et al. (US 6,801,296).

Cook et al. does not discuss the file format. One of ordinary skill in the art would know that JPEG files are one of the standards in the industry and would have been motivated to use that format as well as other popular formats in processing the images to meet the popular demand for the processing of digital images. The secondary references disclose different format used in processing digital images.

Allowable Subject Matter

7. Claims 12, 18 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: the prior art does not teach to use of two print heads or a slitter arrangement as claimed.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Silverbrook (US 5,870,124) and Japanese reference 2004-

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160701 disclose a combined media and ink cartridge. Keller et al. (US 2002/0018654) has a photofinishing apparatus using an ink jet printer.

Response Data

Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. Rutledge whose telephone number is (571) 272-2127. The examiner can normally be reached on Mon - Thurs, 6:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



D. Rutledge
Primary Examiner
Art Unit 2851

dr
12/13/2004